

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL
ETHER (“MTBE”) PRODUCTS
LIABILITY LITIGATION**

**Master File No. 1:00-cv-1898
MDL 1358 (VSB)**

This document relates to:

*Commonwealth of Pennsylvania v. Exxon
Mobil Corp., et al.*, No.: 1:14-cv-06228

**STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE AS TO
DEFENDANTS PREMCOR REFINING GROUP INC., PREMCOR USA, INC., VALERO
ENERGY CORPORATION, VALERO MARKETING AND SUPPLY COMPANY,
VALERO REFINING COMPANY – NEW JERSEY, VALERO REFINING AND
MARKETING COMPANY,
AND ULTRAMAR DIAMOND SHAMROCK CORPORATION**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Parties hereby stipulate to the dismissal of Premcor USA, Inc., the Premcor Refining Group, Inc., Valero Energy Corporation, Valero Marketing and Supply Company, Valero Refining Company – New Jersey, Valero Refining and Marketing Company, and Ultramar Diamond Shamrock Corporation (hereinafter collectively “Defendants”) with prejudice, and further stipulate that no further approval or review of the Settlement Agreement executed by and between the Plaintiff and Defendants (“Agreement”) by the Court is required. This Stipulation of Dismissal is effective upon filing. *Hester Industries, Inc. v. Tyson Foods, Inc.*, 160 F.3d 911, 916 (2nd Cir. 1998).

Is it hereby ORDERED that all of the claims against Premcor USA, Inc., the Premcor Refining Group, Inc., Valero Energy Corporation, Valero Refining Company – New Jersey, Valero Marketing and Supply Company, Valero Refining and Marketing Company, and Ultramar Diamond Shamrock Corporation are hereby dismissed with prejudice and that no further approval or review of the Agreement is required by the Court.

It is further ORDERED that, in any trial of this action, the trier of fact shall determine Premcor USA, Inc., the Premcor Refining Group, Inc., Valero Energy Corporation, Valero Marketing and Supply Company, Valero Refining Company – New Jersey, Valero Refining and Marketing Company, Ultramar Diamond Shamrock Corporation or any other Releasees’ (as that term is defined in the Agreement) apportioned share of liability for any and all claims in the same manner and in the same form of trial verdict as for all non-settling defendants, as if Premcor USA, Inc., the Premcor Refining Group, Inc., Valero Energy Corporation, Valero Marketing and Supply Company, Valero Refining and Marketing Company, Ultramar Diamond Shamrock Corporation or any other Releasee(s) had remained non-settling defendant(s). The Commonwealth’s recoverable damages against non-settling defendants will be reduced in accordance with the procedures and provisions set forth in Section III.3 (Contribution Protection) of the Agreement, including, if applicable, by any amounts apportioned to Premcor USA, Inc., the Premcor Refining Group, Inc., Valero Energy Corporation, Valero Marketing and Supply Company, Valero Refining and Marketing Company, Ultramar Diamond Shamrock Corporation or any other Releasee in a final judicial determination.

It is further ORDERED that all claims against all defendants named in the above-captioned action (including non-settling defendants) for all reimbursement payments made, or to be made, from the Pennsylvania Underground Storage Tank Indemnification Fund (“USTIF”) to Premcor USA, Inc., the Premcor Refining Group, Inc., Valero Energy Corporation, Valero Marketing and Supply Company, Valero Refining and Marketing Company, Ultramar Diamond Shamrock Corporation or any other Releasee, or for any costs incurred or to be incurred by USTIF in connection with such reimbursement payments to Premcor USA, Inc., the Premcor Refining Group, Inc., Valero Energy Corporation, Valero Marketing and Supply Company,

Valero Refining and Marketing Company, Ultramar Diamond Shamrock Corporation or any other Releasee, are hereby dismissed with prejudice.

This Stipulation and Order shall not dismiss any other claims by Plaintiff against any other defendants.

Plaintiff, Commonwealth of Pennsylvania, By its attorneys, <u>/s/ Michael Axline (with permission)</u> Michael Axline Miller, Axline & Sawyer 1050 Fulton Avenue, Suite 100 Sacramento, CA 95825 (916) 488-6688 Fax: (916) 488-4288 Email: maxline@toxictorts.org	Defendants, Premcor USA, Inc., The Premcor Refining Group, Inc., Valero Energy Corporation, Valero Refining Company – New Jersey, Valero Marketing and Supply Company, Ultramar Diamond Shamrock Corporation, and Valero Refining and Marketing Company, By their attorneys, <u>/s/ Erika M. Anderson</u> James F. Bennett Erika M. Anderson Dowd Bennett LLP 7733 Forsyth Blvd., Suite 1900 St. Louis, MO 63105 (314) 677-4419 Fax: (314) 863-2111 Email: jbennett@dowdbennett.com eanderson@dowdbennett.com
Defendant, TotalEnergies Petrochemicals & Refining USA, Inc., By its attorneys, <u>/s/ Diane Myers (with permission)</u> Christopher H. Domingo Diane L. Myers Jones Day 717 Texas, Suite 3300 (832) 239-3827 Fax: (832) 239-3600 Email: chdomingo@jonesday.com dmyers@jonesday.com	Defendant, United Refining Company and TransMontaigne Product Services LLC, By their attorneys, <u>/s/ Dawn Ellison (with permission)</u> Dawn Ellison Greenberg Traurig LLP (DC) 2101 L Street, N.W., Suite 1000 Washington, DC 20037 (202) 331-3100 Fax: (202) 331-3101 Email: ellisond@gtlaw.com

<p>Defendants, Exxon Mobil Corporation, Exxon Company, U.S.A., ExxonMobil Refining & Supply Company, Mobil Oil Corporation, and Exxon Mobil Oil Corporation, By their attorneys,</p> <p><u>/s/James Anthony Pardo (with permission)</u> James Anthony Pardo Lisa Gerson McDermott, Will & Emery, LLP (NY) 340 Madison Avenue New York, NY 10017 (212) 547-5353 Fax: (212) 547-5444 Email: jpardo@mwe.com lgerson@mwe.com</p> <p>William Stack Carlos Bollar Archer & Greiner, PC 33 East Euclid Avenue One Centennial Sq. Haddonfield, NJ 08033 (856) 345-3016 Email: wstack@archerlaw.com cbollar@archerlaw.com</p>	<p>Defendants, Atlantic Richfield Company, BP America Inc., BP Amoco Chemical Company, BP Holdings North America Limited, BP p.l.c., BP Products North America, Inc., BP West Coast Productions, L.L.C., By their attorneys,</p> <p><u>/s/ Andrew Running (with permission)</u> J. Andrew Langan Andrew R. Running Amanda Jacobowski Kirkland & Ellis LLP (IL) 300 North LaSalle Street Chicago, IL 60654 (312) 862-2412 Fax: (312) 862-2200 Email: Andrew.langan@kirkland.com andrew.running@kirkland.com Amanda.jacobowski@kirkland.com</p>
<p>Defendants, ConocoPhillips Company, ConocoPhillips, Phillips 66, Phillips 66 Company, By their attorneys,</p> <p><u>/s/ Stephen Cann Dillard (with permission)</u> Stephen Cann Dillard Jessica Farley Norton Rose Fulbright 1301 McKinney, Suite 5100 Houston, TX 77010 (713) 651-5507 Fax: (713) 651-5246 Email: steve.dillard@nortonrosefulbright.com Jessica.farley@nortonrosefulbright.com</p>	<p>Defendants, Chevron Corp., Chevron U.S.A. Inc., TRMI- H LLC, and Texaco Inc., By their attorneys,</p> <p><u>/s/ James Maher (with permission)</u> Charles Correll James Maher King & Spalding LLP (TX) 1100 Louisiana Houston, TX 77002 (713) 751-3200 Email: ccorrell@kslaw.com jmaher@kslaw.com</p>

<p>Defendant, Citgo Petroleum Corporation, and Citgo Refining and Chemicals Company, L.P., By their attorneys,</p> <p><u>/s/ Pamela Hanebutt (with permission)</u> Nathan Philip Eimer Pamela Hanebutt Lisa Meyer Eimer Stahl LLP 224 South Michigan Avenue Suite 1100 Chicago, IL 60604 (312) 660-7600 Fax: (312) 692-1718 Email: neimer@eimerstahl.com phanebutt@eimerstahl.com lmeyer@eimerstahl.com</p>	<p>Defendant, Cumberland Farms Inc. and Gulf Oil Limited Partnership, By their attorneys,</p> <p><u>/s/ Chad W. Higgins (with permission)</u> Chad W. Higgins Bernstein Shur 100 Middle Street, P.O. Box 9729 Portland, ME 04104 (207) 228-7186 Fax: (207) 774-1127 Email: chiggins@bernsteinshur.com</p> <p>Mark Edward Tully Goodwin Procter, LLP 53 State Street, Exchange Place Boston, MA 02109 (617) 570-1289 Fax: (617) 523-1231 Email: mtully@goodwinprocter.com</p>
<p>Defendant, Crown Central, LLC, By its attorneys,</p> <p><u>/s/ Duke McCall (with permission)</u> Duke McCall Morgan, Lewis & Bockius 1111 Pennsylvania Ave. NW Washington, DC 20004 (202) 373-6607 Fax: (202) 739-3001 Email: duke.mccall@morganlewis.com</p>	<p>Defendant, George E. Warren LLP (formerly George E. Warren Corporation), By its attorneys,</p> <p><u>/s/ Ira B. Matetsky (with permission)</u> Ira Brad Matetsky Ganfer Shore Leeds & Zauderer LLP 360 Lexington Avenue, 14th Floor New York, NY 10017 (212) 922-9250 Fax: (212) 922-9335 Email: imatetsky@ganfershore.com</p>

<p>Defendant, Getty Properties Corp., By its attorneys,</p> <p><u>/s/ John McMeekin (with permission)</u> John Christie McMeekin II Susan M. Dean Rawle & Henderson, LLP The Widener Bldg., One South Penn Square Philadelphia, PA 19107 (215) 575-4324 Fax: (215) 563-2583 Email: jmcmeekin@rawle.com sdean@rawle.com</p>	<p>Defendant, Guttman Realty Company, By its attorneys,</p> <p><u>/s/ Michael D. Hall (with permission)</u> Michael D. Hall Buchanan Ingersoll & Rooney P.C. 550 Broad Street, Suite 810 Newark, NJ 07102-4582 (973) 424-5609 Fax: (973) 273-9430 Email: michael.hall@bipc.com</p>
<p>Defendants, Equilon Enterprises LLC, Pennzoil Company, Pennzoil Quaker State Company, Motiva Enterprises LLC, Star Enterprise LLC, Shell Oil Company, Shell Oil Products Company, LLC, TMR Company, Shell Trading (US) Company, and Deer Park Refining Limited Partnership, By their attorneys,</p> <p><u>/s/ Peter Condron (with permission)</u> Peter Condron Jessica Douglas Gilbert Crowell & Moring, LLP 1001 Pennsylvania Ave., NW Washington, DC 20004 (202) 624-2558 (202) 628-5116 Email: pcondron@crowell.com jgilbert@crowell.com</p>	<p>Defendant, Petroleum Products Corporation, By its attorneys,</p> <p><u>/s/ Christopher T. Scanlon (with permission)</u> Christopher T. Scanlon Clausen Miller PC 28 Liberty Street 39th Floor New York, NY 10005 (212) 805-3979 Fax: (212) 805-3939 Email: cscanlon@clausen.com</p>

<p>Defendants, Hartree Partners, LLC, and Hartree Partners, LP f/k/a Hess Energy Trading Company, LLC, By their attorneys,</p> <p><u>/s/ Francis C. Healy (by permission)</u> David Andrew Sifre Law Office of David Sifre LLC 51 Pondfield Road, Ste 9 Bronxville, NY 10708 914-898-3283 Fax: 914-898-3254 Email: david@sifrelaw.com</p> <p>Francis C. Healy Stroock & Stroock & Lavan, LLP 180 Maiden Lane New York, NY 10038 (212) 806-5596 Fax: (212) 806-6006 Email: fhealy@stroock.com</p>	<p>Defendants, Sun Company, Inc., Sunoco Inc., Sunoco, Inc. (R&M), Energy Transfer Partners, L.P., ETP Holdco Corporation, and Sunoco Partners Marketing & Terminals L.P., By their attorneys,</p> <p><u>/s/ Daniel Mark Krainin (with permission)</u> Nessa Horewitch Coppinger Beveridge and Diamond, P.C. 1350 I Street NW, Suite 700 Washington, DC 20005-3311 (202) 789-6053 Fax: (202) 789-6190 Email: ncoppinger@bdlaw.com</p> <p>Daniel Mark Krainin Beveridge & Diamond, P.C. 477 Madison Avenue, 15th Flr. New York, NY 10022 (212) 702-5400 Fax: (212) 702-5450 Email: dkrainin@bdlaw.com</p>
<p>Defendants, PJSC LUKOIL, LUKOIL North America LLC and LUKOIL Pan Americas, LLC, By their attorneys,</p> <p><u>/s/ Joseph L. Sorkin (with permission)</u> Joseph. L. Sorkin Akin Gump Strauss Hauer & Feld LLP One Bryant Park Bank of America Tower New York, NY 10036-6745 (212) 872-7464 Fax: (212) 872-1002 Email: jsorkin@akingump.com</p>	<p>Defendants, Hess Oil Virgin Islands Corporation (n/k/a Hess Oil New York Corp.), and Hess Corporation By their attorneys,</p> <p><u>/s/ Vernon Cassin (with permission)</u> Vernon Cassin Baker Botts LLP 700 K St. NW Washington, DC 20001 (202) 639-1139 Fax: (202) 508-9321 Email: vernon.cassin@bakerbotts.com</p>

SO ORDERED the ____ day of _____, 20__.

UNITED STATES DISTRICT COURT JUDGE